IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8365 OF 2004

Shri Sanjeev W. Munishwar and others ... Petitioners

v/s

The President, Devasthan Vyavasthapan Samiti, Kolhapur and others ... Respondents

Mr P.S. Dani for Petitioners.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2005.

P.C. :-

1. Admittedly, the decree passed by the Trial Court in favour of the petitioners has been stayed by the Appeal Court. When the Court was considering the question whether to stay execution of the decree that is passed in favour of the petitioners, they could have had raised a point that a condition be imposed that the defendants should maintain accounts, but that was not done. Instead, an application was made after the Appeal Court granted stay. In that application, the first prayer was for deposit of money collected at the temple in Court and second prayer was for direction to maintain accounts. Perusal of the order shows that the prayer for maintaining accounts was not pressed and it has not been dealt with in the impugned order. The petition also does not make any grievance that though prayer was made for direction to defendants to maintain accounts, that prayer has not been considered by the Appeal Court. It appears from the impugned order that the only prayer which was pressed was for deposit of money collected at the temple in Court and the Appeal Court has rightly found that there is no warrant for making such an order for depositing money in Court. I do not find any patent error of law in the order impugned. Petition is

rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.